IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.2807 OF 2005

Shri Lingraj Shankar Trigule & Ors. : Petitioners

V/s.

Shri Bhimashankar Ganpatrao Patil & Ors. : Respondents

...

Mr.S. Sakhare for the petitioners.

Mr.Surel Shah for the respondent nos.1 to 8.

...

CORAM : S.A. BOBDE, J.

September 15, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Shah waives service of rule on behalf of the respondent nos.1 to 8.

Heard by consent.

2. The petitioners have challenged the order dated 16.9.2004 passed by the Addl. District Collector, Solapur, in Revision Application no.5/2004 by which the learned Addl. Collector has vacated the injunction granted in the petitioners' favour.

3. The main contention of Mr.Sakhare, the learned counsel for the petitioners, is that the revision was entertained beyond the limitation period without condoning the delay in filing the revision. This position is clearly not disputed by Mr.Shah, the learned counsel for the respondent nos.1 to 8, who accepts that there is no order condoning the delay in filing the revision application.

4. In the circumstances, the impugned order is set aside. The learned Addl. District Collector, Solapur, is directed to consider the application for condonation of delay before proceeding to entertain the revision. The parties are directed to appear before the learned Addl. District Collector, Solapur, on 28.9.2005.

5. The rule is made absolute in the aforesaid terms.

S.A. BOBDE, J.